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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,963	03/12/2001	Paul Anthony John Nolan		6961

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EXAMINER

WANG, JIN CHENG

ART UNIT PAPER NUMBER

2672

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/802,963

Applicant(s)

NOLAN, PAUL ANTHONY JOHN

Examiner

Jin-Cheng Wang

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 06 October 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

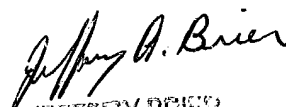
Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-8.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
JEFFERY BRIER  
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because:

1) Applicant argues in essence with respect to the claim 1 that Long does not teach a user-activated means for copying pixels values from the primary buffer to the second buffer. However, Long teaches in column 4 that an ARTIST can create a destination image patch by combining the source image patch with the destination image patch using the profile data. The ARTIST then can select the created destination image patch as a source image patch for further blending with another destination. The act of selecting the just created destination image patch puts/copies the destination image patch IN currently stored in the primary buffer to the secondary buffer because the created destination image patch in the preceding step is NOW used as a source image patch which should be stored in the secondary buffer or the secondary store 20 while further operation by the artist using the touch tablet continues copying the same pixels stored in the primary buffer or the store 19 or the store 18 TO the secondary buffer or the store 20. Therefore, Long at least suggests a user-activated means (artist's touch tablet) for copying the destination pixel values from the primary buffer storing the pixels values in the store 19 or the viewing store 18 to the secondary buffer (the store 20).

2) Applicant argues in essence with respect to the claim 2 that Decoste does not teach the claim limitations set forth in the claim 2. However, Decoste teaches a method of creating effects in a graphical image, comprising choosing a media image as shown column 5, lines 55-67 and column 6, lines 1-9, causing edges of the media image to have less transparency wherein a soft brush edge having an adjustable gradient gives the edge a soft or fuzzy appearance as shown in figure 14, column 14, lines 63-67 and column 15, lines 1-24. Decoste further teaches adding the media image to a paint layer as shown in column 15, lines 25-67 and column 16, lines 1-41, and brightening ("Brighten" in figure 18) parts of the paint layer with the media image as shown in figure 18, column 15, lines 25-67 and column 16, lines 1-41. Applicant argues that the cited prior art does not teach reducing the transparency of the edges of the selected media image. However, Decoste teaches changing properties associated with the brush strokes on the edges of the media image. Decoste teaches selecting a video clip of many media images or selecting a media object such as a brush stroke on the edge of the media image or selecting the brush stroke having the same size as the media image. Decoste teaches applying a soft brush and adjusting brush attributes to a media object by adjusting the object parameters so that the edge has a soft or fuzzy appearance and thereby causing the media object to have less transparency. Thus, Decoste teaches the claim invention as recited in the claim 2.

3) Applicant argues in essence with respect to the claim 3 that the use of a k coefficient for transparency is not the same as an alpha channel with corresponding spatially equivalent pixels. The profile data contains a plurality of opacity values or a plurality of k coefficients for transparency for use in blending between the source patch and the destination patch. The profile data provides data for the alpha channel in the blending operation which spatially corresponds to the source patch pixels and destination patch pixels so that the blending of each pixel in the source patch and a spatially corresponding pixel in the destination patch is possible by using the spatially corresponding alpha value in the profile data. Long clearly teaches in Fig. 3 a stencil channel and the profile data as defined by a three-dimensional stencil plane for providing the alpha channel wherein a point in the three-dimensional surface corresponds to a transparency value which spatially corresponds to a pixel in the source patch and a corresponding pixel in the destination patch. Applicant argues that painting with a soft edged brush produces strokes which may or may not have less transparency at the edges. The Examiner disagrees for the reasons given below. A soft edge brush having an adjustable gradient gives the edge a soft or fuzzy appearance and therefore the edge appears to have less transparency due to the gradient in the transparency along the edge area or the image region wherein the transparency of the image region is clearly varying along the image patch by controlling the three-dimensional stencil plane of the profile data for the dynamic effect of the transparency.

4) Applicant argues in essence with respect to the claim 4 regarding the claim limitation of embossing and providing a sense to depth due to the embossing. However, Long teaches tuning of the brightness by increasing or decreasing the intensity of the three color components of the individual pixels of brush strokes laid out in layers, wherein the degree of brightening or darkening of a particular brush stroke is prescribed by the control parameters such as brush profile values, and thereby producing the embossing effect. In addition, Long teaches multiple layers of brush strokes that provides a sense of depth due to the embossing because painting on the existing image with multiple brush strokes with different opacity values as controlled by the application of the smearing function creates the layering effect that in turn creates a sense of depth. The relative transparency of the layers provides a sense of depth due to the the color and transparency difference among the layers and due to the sequence of the controllable smearing operations by an artist. Finally, Long teaches a sense of depth of the soft brush strokes having soft brush edge with an adjustable gradient because a soft edge of a brush stroke having an adjustable gradient gives the edge of the brush stroke a soft or fuzzy appearance with respect to other brush strokes underlying it or with respect to the inner area of the brush stroke, and thereby providing a sense of depth due to the layering of the brush strokes as well as the soft edge strokes within the layers. Note that the profile data controls the gradient of the brush and opacity control determines the level of brush transparency with respect to each layer.

5) Applicant argues in essence with respect to the claims 5-8 that the alpha channel of Long is not user-modifiable. However, Long teaches storing the stencil plane and the profile data in a storage area such as a disk and therefore the data can be overwritten by a user. It is therefore user modifiable. Moreover, the stencil data can be a plurality of stencil surfaces as they are stored in a disk and the program can load one from the plurality of the stencil surfaces in the disk.